

CHAPTER 9.24

Offenses Against Property

9.24.010 Theft – value less than five hundred dollars.

A person commits theft when he or she knowingly obtains or exercises control over anything of value of another without authorization, or by threat or deception, or knowing such thing of value to have been stolen, and the value of the thing involved is less than five hundred dollars (\$500.00), and the person:

- A. Intends to deprive the other person permanently of the use or benefit of the thing of value;
- B. Knowingly uses, conceals or abandons the thing of value in such manner as to deprive the other person permanently of its use or benefit;
- C. Uses, conceals or abandons the thing of value intending that such use, concealment or abandonment will deprive the other person permanently of its use and benefit; or
- D. Demands any consideration to which he or she is not legally entitled as a condition of restoring the thing of value to the other person. (Ord. 1148-99, 1999; Ord. 841-92, 1992; Ord. 678 87, 1987; Ord. 347 77, 1977)

9.24.020 Obtaining control over any stolen items – conviction authorized when.

Every person who obtains control over any stolen thing of value, knowing the thing of value to have been stolen by another, may be tried, convicted and punished, whether or not the principal is charged, tried or convicted. (Ord. 347 77, 1977)

9.24.030 Concealment of unpurchased goods.

If any person willfully conceals unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether the concealment be on his or her own person or otherwise, and whether on or off the premises of such store or mercantile establishment, such concealment constitutes prima facie evidence that the person intended to commit the crime of theft. (Ord. 347 77, 1977)

9.24.040 Criminal mischief – damages to property less than four hundred dollars.

Any person who intentionally damages the real or personal property of one (1) or more other persons, where the aggregate damage to the real or personal property is less than four hundred dollars (\$400.00), commits the crime of criminal mischief. (Ord. 841-92; Ord. 347 77, 1977)

9.24.050 Criminal trespass.

A person commits the crime of second degree criminal trespass if he or she unlawfully enters or remains in or upon premises of another which are enclosed in a manner designed to exclude intruders, or which are fenced; or if such person knowingly and unlawfully enters or remains in or upon the common areas of hotel, motel or condominium or apartment building. (Ord. 1148-99, 1999; Ord. 347 77, 1977)

9.24.060 Criminal use of stink bombs and other noxious substances.

A. Any person who deposits on the land or in the building or vehicles of another, without his or her consent, any stink bomb or device, irritant or offensive-smelling substance, with the intent to interfere with another's use or enjoyment of the land, building or vehicle commits the offense of criminal use of a noxious substance.

B. It shall be an affirmative defense that a peace officer, in the performance of his or her duties, reasonably used a noxious substance. (Ord. 347 77, 1977)

9.24.070 Posting notices without consent.

Any person who places a posted notice or advertisement upon any public or private property without the consent of the owner of such property commits the violation of posting notice without consent. (Ord. 347 77, 1977)

9.24.080 Defacing property.

A. Any person who destroys, defaces, removes or damages any historical monument; or who causes, aids in or permits the defacing of public or private property without the consent of the owner by any method or defacement, including but not limited to painting, drawing or writing, by use of paint, spray paint or ink, or any other method of defacement commits the violation of defacing property.

B. Where such graffiti appears, the administrative authority shall transmit by certified mail and first-class mail, postage prepaid, or hand-deliver to the owner and occupant or other person in charge of the property on which such graffiti appeared or post in a conspicuous place on the premises, a notice advising such owner to remove such graffiti within ten (10) days of the date of such notice.

C. If such owner or occupant fails to remove such graffiti within the ten-day requirement, the administrative authority may direct such removal by an employee of the City or subcontract to have such work completed and charge the costs thereof to such owner of the property.

D. Upon completion of the removal of any graffiti, at the direction of the administrative authority, any costs incurred by the City shall be paid by the property owner within thirty (30) days after mailing of an invoice showing cost of graffiti removal, by the City Clerk to the owner of such property by certified mail, and first-class mail, postage prepaid. However, the property owner shall have the right to appeal the assessment of costs to him or her for removal of the graffiti by filing a written Notice of Appeal with the City Clerk within thirty (30) days of the date of the notice. The City Council shall then hold a hearing within thirty (30) days of filing the notice of appeal, and may waive the cost assessment based on circumstance of hardship.

E. If such owner, occupant or agent in charge fails to pay the cost assessment within thirty (30) days of mailing of the conclusion of the appeal process, the City may initiate civil proceedings to secure and collect a court judgment for the amount of the cost assessment. (Ord. 1148-99, 1999; Ord. 894-93, 1993; Ord. 347 77, 1977)

9.24.090 Defacing posted notices.

Any person who intentionally mars, destroys or removes any posted notice authorized by law commits the violation of defacing posted notice. (Ord. 347 77, 1977)

9.24.100 Injuring ditches, gutters or culverts.

It is unlawful for any person to either willfully, maliciously, wantonly or negligently fill up, obstruct or otherwise damage any ditch or ditches, gutters or culverts lawfully constructed in the City. (Ord. 347 77, 1977)

9.24.110 Injuring or trespassing on gardens, crops or lawns.

A. It is unlawful for any person to trespass upon or to permit any animal or fowl owned by or controlled by him or her to trespass upon or injure any garden or field of growing crops.

B. It is unlawful for any person to drive or lead any horse or any other large animal upon or over any lawn or shrubs. (Ord. 347 77, 1977)

9.24.120 Throwing missiles – at or upon public or private property.

It is unlawful for any person to throw any stone, snowball, or any other missile upon or at any vehicle, building or upon or at any person in any public way or place. (Ord. 1148-99, 1999; Ord. 347 77, 1977)

9.24.130 Throwing missiles – at certain vehicles.

Any person who intentionally projects any missile at or against any vehicle or equipment designed for the transportation of persons or property commits a violation of this Section. (Ord. 347 77, 1977)

9.24.140 (Repealed by Ordinance No. 1148-99).

9.24.150 Littering.

A. Any person who deposits, throws or leaves any litter on any public or private property, or in any water, commits littering.

B. It shall be an affirmative defense that:

1. Such property is an area designated by law for the disposal of such material, and the person is authorized by the property public authority to so use the property;

2. The litter is placed in a receptacle or contained installed on such property for that purpose;
or

3. Such person is the owner or tenant in lawful possession of such property, or he or she has first obtained written consent of the owner of tenant in lawful possession, or the act is done under the personal direction of such owner or tenant.

C. 1. The term *litter*, as used in this Section, means all rubbish, waste material, refuse, garbage, trash, debris or other foreign substances, solid or liquid, of every form, size, kind and description.

2. The phrase *public or private property*, as used in this Section, includes but is not limited to the right of way of any road or highway, any body of water or watercourse, including frozen areas or the shores or beaches thereof, any park, playground or building, any refuge, conservation or recreation area, and any residential, farm or ranch properties or timberlands.

D. Littering is punishable by a fine between twenty dollars (\$20.00) and five hundred dollars (\$500.00) for first offense; between fifty dollars (\$50.00) and one thousand dollars (\$1,000.00) for a second offense and between one hundred dollars (\$100.00) and one thousand dollars (\$1,000.00) for a third or subsequent offense.

E. It is in the discretion of the court, upon the conviction of any person and the imposition of a fine under this Section, to suspend the fine upon the condition that the convicted person gather and remove from specified public property or specified private property, with prior permission of the owner or tenant in lawful possession thereof, any litter found thereon.

F. Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle in violation of this Section, the operator of the motor vehicle is presumed to have caused or permitted the litter to be so thrown, deposited, dropped or dumped therefrom.

G. The affirmative defense set forth in Paragraph B.3 above shall not be deemed to authorize any conduct prohibited by other provisions of this Title, or by other provisions of this Code. (Ord. 1148-99, 1999; Ord. 347 77, 1977)

9.24.160 Throwing sharp objects in public streets.

It is unlawful for any person to throw, cast or place any glass, tacks, sharp-edged stones, nails, bits of wire, sharp or pointed articles, or any other vehicles on the public streets, alleys or thoroughfares of the City. (Ord. 1148-99, 1999; prior code §10.12.020)

9.24.170 (Repealed by Ordinance No. 1148-99).

9.24.180 Abandoning iceboxes and other items with compartments.

Any person abandoning or discarding in any public place or private place accessible to children, any chest, closet, piece of furniture, refrigerator, icebox or motor vehicle, or other article having a compartment of a capacity of one and one-half (1½) cubic feet or more, and having a door or lid which, when closed, cannot be opened easily from the inside, or who, being the owner, lessee or manager of such place, knowingly permits such abandoned or discarded article to remain in such condition, commits a violation of this Section. (Ord. 347 77, 1977)